

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CARL ELMON HUNT, #832307 §
VS. § CIVIL ACTION NO. 6:15cv559
SARAH PIERSON, ET AL. §

ORDER OF PARTIAL DISMISSAL

Plaintiff Carl Elmon Hunt, an inmate confined at the Coffield Unit of the Texas prison system, filed the present civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation for the disposition of the case. Hunt has filed objections (docket entry #36) and supplemental objections (docket entry #42).

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the various objections raised by Hunt to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections raised by Hunt lack merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #28) is **ADOPTED**. It is further

ORDERED that Defendants Rupert, Stephens and Christopher's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (docket entry #13) is **GRANTED** and the claims against them are **DISMISSED** with prejudice. It is further

ORDERED that Defendant Pace's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (docket entry #15) is **GRANTED** and the claims against her are **DISMISSED** with prejudice. It is further

ORDERED that Defendant Pierson's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (docket entry #15) is **GRANTED**, in part, and **DENIED**, in part. Pierson's motion is **GRANTED** to the extent that Hunt sued her in her official capacity for damages and **DENIED** in all other respects. Hunt may proceed with his deliberate indifference to serious medical needs claim against Pierson to the extent that he is suing her in her individual capacity.

It is SO ORDERED.

SIGNED this 4th day of April, 2016.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE